

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **JANNETTE GONZALEZ CLAUDIO**CASE NO: **15-09164-ESL**

Debtor(s)

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: **11/19/2015**First Meeting Date: **01/07/2016 at 9:00AM**Days From Petition Date: **167**341 Meeting Date: **05/03/2016 at 9:00AM**910 Days Before Petition: **05/23/2013**Confirmation Hearing Date: **02/12/2016 at 11:00AM**Chapter 13 Plan Date: **01/04/2015** ☐ AmendedPlan Base: **\$22,500.00** Plan Docket # **10**

This is Debtor(s) 4 debtor obtained a discharge on 2014 Bankruptcy petition.

This is the 2nd scheduled meeting.

Payment(s) ☒ Received or ☐ Evidence shown at meeting:Total Paid In: **\$1,500.00**

Check/MO# _____

Date: _____ Amount: \$ _____

*APPEARANCES: ☐ Telephone ☐ Video ConferenceDebtor: ☒ Present ☐ Absent ☒ ID & Soc. OKJoint Debtor: ☐ Present ☐ Absent ☐ ID & Soc. OK☒ Examined ☐ Not Examined under Oath☐ Examined ☐ Not Examined under OathAttorney for Debtor(s): ☐ Not Present ☒ PresentName of Attorney Present (Other than Attorney of Record): **RFC Jr.**☐ Pro-se☐ Creditor(s) Present ☒ None

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$132.00** Outstanding (Through the Plan): **\$2,868.00**

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor(s) Income is (are) ☐ Under ☒ Above Median IncomeLiquidation Value: **\$ 3,196.00**Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B)Projected Disp. Inc.: **\$ 0.00**The Trustee: ☐ NOT OBJECTS ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: **1.18 %**

§341 Meeting ☐ CONTINUED ☐ NOT HELD ☒ CLOSED ☐ HELD OPEN FOR ____ DAYS

§341 Meeting Rescheduled for:_____

Comments: Debtor is taking care of her ill mother.

*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

Debtor has failed to submit evidence of DSO income listed in Schedule I (\$600.00).

[1325(a)(4)] Plan fails Creditors Best Interest Test.

Debtor has failed to assign a value for the Gran Vitara vehicle that remains under her name. Debtor testified that the same was junked.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Creditors Best Interest Test. [1325(a)(4)]

The minimum base at this moment is \$26,700.00.

The plan fails to provide for 100+4.25% for the unsecured creditors who timely file their claims.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

Debtor has failed to disclose the maturity date of the vehicle lease being paid directly to creditor (Scotiabank). At this time, the loan has a payment of \$554.00 a month. Trustee to verify if a step up is needed in the plan.

Debtor's plan fails to include a provision stating that any surplus funds in Debtor's escrow account will be surrendered to fund the plan..

*OTHER COMMENTS / OBJECTIONS

Debtor received a discharge on August 25, 2015 from a previous Chapter 7 case 14-00117, Trustee to verify.

/s/ Jose R. Carrion, Esq.
Trustee Meeting Date: May 03, 2016

/s/ Nannette Godreau, Esq., Presiding Officer